

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMAUL LEE BAKER,

Petitioner,

v.

SUPERIOR COURTS OF  
CALIFORNIA & TRENT ALLEN,

Respondents.

Case No. 2:24-cv-0476-DC-JDP (P)

FINDINGS AND RECOMMENDATIONS

On February 14, 2025, the district judge adopted my findings and recommendations that this case be dismissed for failure to prosecute and to comply with court orders after petitioner failed to file a timely amended habeas petition. ECF Nos. 16 & 17. Plaintiff did not appeal or seek any relief from that judgment, and this case was closed. Then, on August 25, 2025, petitioner filed a “request for recall of sentence” on a state court form, seeking to recall his sentence under state law. ECF No. 19. The motion should be denied.

As an initial matter, this case has been closed for several months and the time for seeking alteration of judgment has passed. *See Fed. R. Civ. P. 59(e)* (“A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.”). And, while a motion for reconsideration under Rule 60 might still be timely, petitioner has not offered any basis for reconsideration; his motion does not address the procedural history of this case at all and

1 seeks only recall from judgment under state law. ECF No. 19. Second, petitioner's motion arises  
2 solely under state law and is, therefore, unsuited to federal habeas relief. *Lewis v. Jeffers*, 497  
3 U.S. 764, 780 (1990).

4 Accordingly, it is RECOMMENDED that petitioner's motion to recall sentence, ECF No.  
5 19, be DENIED.

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of  
8 service of these findings and recommendations, any party may file written objections with the  
9 court and serve a copy on all parties. Any such document should be captioned "Objections to  
10 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed  
11 within fourteen days of service of the objections. The parties are advised that failure to file  
12 objections within the specified time may waive the right to appeal the District Court's order. See  
13 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.  
14 1991).

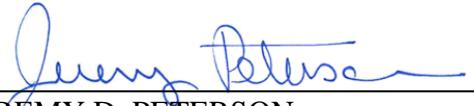
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IT IS SO ORDERED.

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18 Dated: September 2, 2025

  
19 JEREMY D. PETERSON  
20 UNITED STATES MAGISTRATE JUDGE

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